

REMARKS

In the non-final Office Action, the Examiner withdrew claims 18-26 and 52-60 from further consideration; rejected claims 1, 4, 5, 9, 10, 18-26, 61, 75, 76, and 80 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. (U.S. Patent No. 5,579,379) in view of Riggins (U.S. Patent No. 6,766,454); rejected claims 2, 3, 6-8, 11-14, 27-29, 31, 32, 34-37, 62, 63, 77, and 78 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Riggins and Faccinn et al. (U.S. Patent Application Publication No. US2002/0127995); rejected claims 15-17 and 64 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Riggins and Innes (U.S. Patent No. 6,687,743) or Hesselink et al. (U.S. Patent No. 6,499,054) or Eastman (U.S. Patent No. 6,907,032); rejected claims 30 and 33 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Riggins, Faccinn et al., and Fletcher et al. (U.S. Statutory Invention Registration No. H1,897); rejected claims 38-42 and 66-68 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Innes or Hesselink et al. or Eastman; rejected claims 43, 44, 47-60, and 79 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Jordan (U.S. Patent Application Publication No. 2001/0050984) and Hluchyj et al. (U.S. Patent No. 6,282,193); and rejected claims 45 and 46 under 35 U.S.C. § 103(a) as unpatentable over D'Amico et al. in view of Jordan, Hluchyj et al., and Faccinn et al.

Applicants respectfully traverse the Examiner's rejections. Claims 1-64, 66-68, and 75-80 remain pending.

IMPROPER RESTRICTION REQUIREMENT

In paragraph 1 of the Office Action, the Examiner withdrew claims 18-26 and 52-60 from further consideration as being drawn to a non-elected species. Applicants traversed the

restriction requirement in Applicant's response to the restriction requirement. The Examiner previously identified claims as different species. The Examiner acknowledged that claims are never species, but continued to allege that claims 18-26 and 52-60 are species claims (Office Action, paragraph 10).

Applicants again respectfully submit that the present application contains a genus corresponding to the network of Fig. 1. The flowcharts of Figs. 2-4 relate to processing associated with the genus. Claims 1-64, 66-68, and 75-80 of the present application relate to the genus. Therefore, examination of claims 1-64, 66-68, and 75-80 is proper.

Applicants note that the Examiner nevertheless continued to address claims 18-26 and 52-60 in the rejections under 35 U.S.C. § 103 (Office Action, paragraphs 3 and 8). Therefore, Applicants assume that the Examiner has reconsidered the restriction requirement.

Accordingly, Applicants respectfully request withdrawal of the restriction requirement.

REJECTION UNDER 35 U.S.C. § 103 BASED ON D'AMICO ET AL. AND RIGGINS

In paragraph 3 of the non-final Office Action, the Examiner rejected claims 1, 4, 5, 9, 10, 18-26, 61, 75, 76, and 80 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Riggins. Applicants respectfully traverse the rejection.

Initially, Applicants respectfully submit that the rejection of claim 76 is improper. Claim 76 depends from claim 27. Claim 27 stands rejected based on D'Amico et al., Riggins, and Faccinn et al. Therefore, a rejection of claim 76 based on a combination of D'Amico et al. and Riggins alone is improper. Applicants assume that the Examiner intended to reject claim 76 based on D'Amico et al., Riggins, and Faccinn et al. Clarification of the rejection is respectfully requested.

Independent claim 1, for example, is directed to a method for placing a call between a first client and a second client. The method comprises receiving a call request message; challenging a device that originated the call request message to authenticate itself, whereby the device performs a first authentication process based on a username and a password associated with the device to generate a first authentication result as a result of authenticating itself; authenticating the call request message by performing a second authentication process based on the username and the password associated with the device to generate a second authentication result and comparing the second authentication result to the first authentication result, whereby an authentic originating client is identified; and searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained.

Neither D'Amico et al. nor Riggins, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, D'Amico et al. and Riggins do not disclose or suggest searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained.

The Examiner alleged that D'Amico et al. discloses these features and cited column 27, line 57 - column 29, line 45, of D'Amico et al. for support (Office Action, page 2). Applicants respectfully disagree.

D'Amico et al. is directed to the problem of undesirable calls to cellular phone subscribers who are outside the range of their home base station and, therefore, subject to pay for all incoming calls (col. 8, lines 44-52). D'Amico et al. discloses a caller pays feature, whereby a calling party is prompted whether they wish to pay cellular air time charges necessary to complete a call to the cellular phone subscriber (col. 8, lines 53-67).

At column 27, line 57 - column 29, line 45, D'Amico et al. discloses that it is determined whether automatic number identification (ANI) can be determined for a received call (col. 27, lines 57-61). If the ANI can be determined, it is determined whether the ANI corresponds to an entry in a VIP table (col. 28, lines 1-7). If the ANI corresponds to an entry in the VIP table, then the call is established and the called party is charged for the cellular air time charges (col. 28, lines 1-7). If the ANI does not correspond to an entry in the VIP table, then a message is played for the calling party indicating that, to complete the call, the calling party must pay for the cellular air time charges (col. 28, lines 30-34). Upon refusal to accept the charges, the call is routed to voicemail (col. 28, lines 40-44). Upon agreement to accept the charges, a record is created based on the ANI (col. 28, lines 48-60). If the ANI cannot be determined, a message is played for the calling party requesting a PIN (the called party may provide PINs to calling parties who are not required to pay the cellular air time charges) (col. 28, line 61 - col. 29, line 4). If the calling party provides a proper PIN, the call is established and the called party is charged for the cellular air time charges (col. 29, lines 5-10). As an alternative to the PIN or if the calling party provides an incorrect PIN, a message can be presented to the calling party requesting entry of a credit card number to which to bill the cellular air time charges for the call (col. 29, lines 14-18).

Nowhere in this section, or elsewhere, does D'Amico et al. disclose or remotely suggest searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained, as required by claim 1. In other words, D'Amico et al. does not disclose or suggest searching a database to find a predetermined client billing tag corresponding to the calling party (which the Examiner equated to the authentic originating client), authorizing the call if the client billing tag is obtained, and not authorizing the call if the client billing tag is not obtained. Riggins also does not disclose these features.

If the Examiner persists with a rejection of these features based on D'Amico et al., Applicants respectfully request that the Examiner specifically identify what it is in D'Amico et al. that the Examiner equates to the client billing tag recited in claim 1. Even assuming, for the sake of argument, the ANI, PIN, or credit card number could be equated to a client billing tag (a point that Applicants do not concede), D'Amico et al. still does not disclose or suggest searching a database to find an ANI/PIN/credit card number corresponding to the calling party (which the Examiner equated to the authentic originating client), authorizing the call if the ANI/PIN/credit card number is obtained from the database, and not authorizing the call if the ANI/PIN/credit card number is not obtained from the database, as would be required by claim 1.

Further, the Examiner relied upon Riggins as disclosing the challenging a device and authenticating the call request message features of claim 1 (Office Action, page 3). The Examiner alleged that it would have been obvious to one of ordinary skill to include the teaching of Riggins in D'Amico et al. for the purpose of securing access to services in a computer network

(Office Action, page 3). Applicants respectfully submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness with regard to claim 1.

It is well settled patent law that to establish a prima facie case of obviousness based on a combination of elements disclosed in multiple references, a rejection must provide a reasonable explanation of why one of ordinary skill in the art would have been motivated to select the references and combine them to render the claimed invention obvious. Applicants respectfully submit that one of ordinary skill would not have been motivated to combine Riggins and D'Amico et al. in the manner suggested by the Examiner.

D'Amico et al. is directed to the field of cellular communication (col. 8, lines 14-52). Riggins is directed to the non-analogous field of computer networks (col. 1, lines 25-27). Further, D'Amico et al. discloses a caller pays feature for use in a cellular communication network (col. 8, line 53 - col. 9, line 10). D'Amico et al. has absolutely nothing to do with secure access to services in a computer network. Therefore, contrary to the Examiner's allegation, combining the disclosure of challenging and authenticating a device, as allegedly disclosed by Riggins, into the cellular communications system of D'Amico et al. would not transform the D'Amico et al. cellular communications system into one with secure access to services in a computer network. Accordingly, Applicants submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness.

For at least these reasons, Applicants submit that claim 1 is patentable over D'Amico et al. and Riggins, whether taken alone or in any reasonable combination. Claims 4, 5, 9, 10, 18-26, and 75 depend from claim 1 and are, therefore, patentable over D'Amico et al. and Riggins,

whether taken alone or in any reasonable combination. Claims 4, 5, 9, 10, 18-26, and 75 are also patentable for reasons of their own.

For example, claim 5 recites evaluating a profile of the second client, where the profile includes information corresponding to at least one calling feature activated by the second client.

Neither D'Amico et al. nor Riggins, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 5. The Examiner did not address the features of claim 5 and, therefore, did not establish a prima facie case of obviousness with regard to claim 5.

For at least these additional reasons, Applicants submit that claim 5 is patentable over D'Amico et al. and Riggins, whether taken alone or in any reasonable combination.

Claim 75 recites receiving the username and the first authentication result from the device, determining a password that corresponds to the username, performing a hash function based on the username and password, and determining whether a result of the hash function matches the first authentication result.

Neither D'Amico et al. nor Riggins, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 75. For example, D'Amico et al. and Riggins do not disclose or suggest performing a hash function based on the username and password. D'Amico et al. discloses nothing remotely similar to this feature. Riggins discloses using challenge 965 and a registered hash of the user's password to perform a one-way hash (col. 14, lines 19-22). Riggins does not disclose or suggest performing a hash function based on a username and password, as required by claim 75.

The Examiner did not address the features of claim 75 and, therefore, did not establish a prima facie case of obviousness with regard to claim 75.

For at least these additional reasons, Applicants submit that claim 75 is patentable of D'Amico et al. and Riggins, whether taken alone or in any reasonable combination.

Independent claim 61 recites features similar to, but possibly different in scope from, features recited in claim 1. Claim 61 is, therefore, patentable over D'Amico et al. and Riggins, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claim 80 depends from claim 61 and is, therefore, patentable over D'Amico et al. and Riggins, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 61. Claim 80 also recites features similar to features recited in claim 75. Claim 80 is, therefore, also patentable over D'Amico et al. and Riggins for at least reasons similar to reasons given with regard to claim 75.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1, 4, 5, 9, 10, 18-26, 61, 75, and 80 based on D'Amico et al. and Riggins.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL., RIGGINS, AND FACCINN ET AL.*

In paragraph 4 of the Office Action, the Examiner rejected claims 2, 3, 6-8, 11-14, 27-29, 31, 32, 34-37, 62, 63, and 76-78 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Riggins and Faccinn et al. Applicants respectfully traverse the rejection.

Claims 2, 3, 6-8, and 11-14 depend from claim 1. Without acquiescing in the Examiner's rejection with regard to claims 2, 3, 6-8, and 11-14, Applicants respectfully submit that the disclosure of Faccinn et al. does not cure the deficiencies in the disclosures of D'Amico et al. and

Riggins identified above with regard to claim 1. Claims 2, 3, 6-8, and 11-14 are, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 1.

Independent claim 27 is directed to a computer readable medium having computer executable instructions for performing a method for placing a call between a first client and a second client. The method comprises receiving a call request message; challenging a device that originated the call request message to authenticate itself, whereby the device generates an authentication result as a result of authenticating itself; authenticating the call request message based on the authentication result, whereby an authentic originating client is identified; searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained; inserting the client billing tag into the call request message; and forwarding the call request message with the inserted client billing tag.

Neither D'Amico et al., Riggins, nor Faccinn et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 27. For example, neither D'Amico et al., Riggins, nor Faccinn et al. discloses or suggests searching a database to find a predetermined client billing tag corresponding to the authentic originating client, whereby the call is authorized to be completed if the client billing tag is obtained, and the call is not authorized to be completed if the client billing tag is not obtained.

The Examiner alleged that D'Amico et al. discloses these features and cited column 27, line 57 - column 29, line 45, of D'Amico et al. for support (Office Action, page 4). Applicants respectfully disagree for at least reasons similar to reasons given with regard to claim 1.

Further, the Examiner relied upon Riggins as allegedly disclosing the challenging a device and authenticating the call request message features of claim 27 (Office Action, pages 4-5). The Examiner alleged that it would have been obvious to one of ordinary skill to include the teaching of Riggins in D'Amico et al. for the purpose of securing access to services in a computer network (Office Action, page 4). Applicants respectfully submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness with regard to claim 27 for at least reasons similar to reasons given with regard to claim 1.

Moreover, the Examiner relied upon Faccinn et al. as allegedly disclosing inserting a client billing tag into a call request message, as recited in claim 27 (Office Action, page 5). The Examiner alleged that it would have been obvious to one of ordinary skill to include the teachings of Faccinn et al. in D'Amico et al. for the purpose of billing IP based telephone calls (Office Action, page 5). Applicants respectfully submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness with regard to claim 27.

As stated above, it is well settled patent law that to establish a prima facie case of obviousness based on a combination of elements disclosed in multiple references, a rejection must provide a reasonable explanation of why one of ordinary skill in the art would have been motivated to select the references and combine them to render the claimed invention obvious. Applicants respectfully submit that one of ordinary skill would not have been motivated to combine Faccinn et al. and D'Amico et al. in the manner suggested by the Examiner.

D'Amico et al. discloses a caller pays feature for use in a cellular communication network (col. 8, line 53 - col. 9, line 10). D'Amico et al. has absolutely nothing to do with IP based telephone calls. Therefore, contrary to the Examiner's allegation, combining the disclosure of inserting a client billing tag into a call request message, as allegedly disclosed by Faccinn et al., into the cellular communications system of D'Amico et al. would not facilitate billing of IP based telephone calls in the D'Amico et al. cellular communications system. Accordingly, Applicants submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness.

For at least these reasons, Applicants submit that claim 27 is patentable over D'Amico et al., Riggins, and Faccinn et al., whether taken alone or in any reasonable combination. Claim 76 depends from claim 27 and is, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al. for at least the reasons given with regard to claim 27. Claim 76 also recites features similar to features recited in claim 75. The disclosure of Faccinn et al. does not cure the deficiencies in the disclosures of D'Amico et al. and Riggins identified above with regard to claim 75. Therefore, claim 76 is also patentable over D'Amico et al., Riggins, and Faccinn et al. for at least reasons similar to reasons given with regard to claim 75.

Independent claim 28 recites features similar to, but possibly different in scope from, features recited in claim 27. Claim 28 is, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 27. Claims 29 and 77 depend from claim 28 and are, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al. for at least the reasons given with regard to claim 28. Claim 77 also recites features similar to features recited in claim

76. Therefore, claim 77 is also patentable over D'Amico et al., Riggins, and Faccinn et al. for at least reasons similar to reasons given with regard to claim 76.

Independent claim 31 is directed to a computer readable medium having computer executable instructions for performing a method for placing a call between a first client and a second client. The method comprises receiving a SIP call request message from the first client; challenging a device that originated the SIP call request message to authenticate itself, whereby the device generates an authentication result as a result of authenticating itself; evaluating at least one calling feature in a profile of the second client; determining an authentic originating client based on the at least one calling feature and the authentication result; retrieving the client billing tag corresponding to the authentic originating client; and inserting the client billing tag into the SIP call request message.

Neither D'Amico et al., Riggins, nor Faccinn et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 31. For example, D'Amico et al., Riggins, and Faccinn et al. do not disclose or suggest evaluating at least one calling feature in a profile of the second client. The Examiner did not address this feature and, therefore, did not establish a prima facie cases of obviousness with regard to claim 31.

D'Amico et al., Riggins, and Faccinn et al. also do not disclose or suggest determining an authentic originating client based on the at least one calling feature and the authentication result, as further recited in claim 31. The Examiner also did not address this feature and, therefore, did not establish a prima facie cases of obviousness with regard to claim 31.

For at least these reasons and reasons similar to reasons given with regard to the other independent claims, Applicants submit that claim 31 is patentable over D'Amico et al., Riggins, and Faccinn et al., whether taken alone or in any reasonable combination. Claims 32, 34-37, and 78 depend from claim 31 and are, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al. for at least the reasons given with regard to claim 31. Claim 78 also recites features similar to features recited in claim 76. Therefore, claim 78 is also patentable over D'Amico et al., Riggins, and Faccinn et al. for at least reasons similar to reasons given with regard to claim 76.

Claims 62 and 63 depend from claim 61. Without acquiescing in the Examiner's rejection with regard to claims 62 and 63, Applicants respectfully submit that the disclosure of Faccinn et al. does not cure the deficiencies in the disclosures of D'Amico et al. and Riggins identified above with regard to claim 61. Claims 62 and 63 are, therefore, patentable over D'Amico et al., Riggins, and Faccinn et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 61.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 2, 3, 6-8, 11-14, 27-29, 31, 32, 34-37, 62, 63, and 76-78 based on D'Amico et al., Riggins, and Faccinn et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL., RIGGINS, AND INNES, HESELINK ET AL., OR EASTMAN*

In paragraph 5 of the Office Action, the Examiner rejected claims 15-17 and 64 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Riggins and Innes, Hesselink et al., or Eastman. Applicants respectfully traverse the rejection.

Claims 15-17 depend from claim 1, and claim 64 depends from claim 61. Without acquiescing in the Examiner's rejection with regard to claims 15-17 and 64, Applicants

respectfully submit that the disclosures of Innes, Hesselink et al., and Eastman do not cure the deficiencies in the disclosures of D'Amico et al. and Riggins identified above with regard to claims 1 and 61. Therefore, claims 15-17 and 64 are patentable over D'Amico et al., Riggins, and Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 1 and 61.

Moreover, the Examiner alleged that Hesselink et al. and Eastman disclose only one of the features recited in claims 15 and 64 and none of the features recited in claims 16 and 17 (Office Action, pages 6-7). Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claims 15-17 and 64 based on either Hesselink et al. or Eastman.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 15-17 and 64 based on D'Amico et al., Riggins, and Innes, Hesselink et al., or Eastman.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL., RIGGINS, FACCINN ET AL., AND FLETCHER ET AL.*

In paragraph 6 of the Office Action, the Examiner rejected claims 30 and 33 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Riggins, Faccinn et al., and Fletcher et al. Applicants respectfully traverse the rejection.

Claim 30 depends on claim 28, and claim 33 depends on claim 31. Without acquiescing in the Examiner's rejection with regard to claims 30 and 33, Applicants respectfully submit that the disclosure of Fletcher et al. does not cure the deficiencies in the disclosures of D'Amico et al., Riggins, and Faccinn et al. identified above with regard to claims 28 and 31. Therefore, claims 30 and 33 are patentable over D'Amico et al., Riggins, Faccinn et al., and Fletcher et al.,

whether taken alone or in any reasonable combination, for at least the reasons given with regard to claims 28 and 31.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 30 and 33 based on D'Amico et al., Riggins, Faccinn et al., and Fletcher et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL. AND INNES, HESELINK ET AL., OR EASTMAN*

In paragraph 7 of the Office Action, the Examiner rejected claims 38-42 and 66-68 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Innes, Hesselink et al., or Eastman. Applicants respectfully traverse the rejection.

Independent claim 38, for example, is directed to a computer readable medium having computer executable instructions for performing a method for placing a call between a first client and a second client. The method comprises receiving a SIP call request message; adding a header to the SIP call request message, the header including a server identifier to identify a server sending the SIP call request message; and transmitting the SIP call request message and the header to a network gateway.

Neither D'Amico et al. nor Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 38. For example, D'Amico et al. and Innes, Hesselink et al., or Eastman do not disclose or suggest receiving a SIP call request message. In fact, D'Amico et al., Innes, Hesselink et al., and Eastman do not even mention SIP. Therefore, none of these references can possibly disclose receiving a SIP call request message, as required by claim 38. The Examiner did not address this feature and, therefore, did not establish a prima facie case of obviousness with regard to claim 38.

Because D'Amico et al. and Innes, Hesselink et al., or Eastman do not disclose or suggest receiving a SIP call request message, D'Amico et al. and Innes, Hesselink et al., or Eastman cannot disclose or suggest adding a header to the SIP call request message or transmitting the SIP call request message, as further recited in claim 38. The Examiner likewise did not address these features and, therefore, further failed to establish a prima facie case of obviousness with regard to claim 38.

For at least these reasons, Applicants submit that claim 38 is patentable of D'Amico et al. and Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination. Claim 39 depends from claim 38 and is, therefore, patentable over D'Amico et al. and Innes, Hesselink et al., or Eastman for at least the reasons given with regard to claim 38.

Independent claim 40 is directed to a computer readable medium having computer executable instructions for performing a method for placing a call between a first client and a second client. The method comprises receiving a call request message; checking the call request message for a server identifier in a security header appended to the call request message, the server identifier identifying a server that forwarded the call request message; and completing the call based on existence of the server identifier in the security header.

Neither D'Amico et al. nor Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 40. The Examiner relied on Innes for allegedly disclosing adding a header to a call request message where the header includes a server identifier and transmitting the call request message to client equipment, where the client equipment is configured to complete the call (return call) if the header is detected (Office Action, page 8). The Examiner alleged that it would have been

obvious to include the teachings of Innes in D'Amico et al. for the purpose of establishing a server initiated high level protocol communications session between a server and a client on a mobile computing device (Office Action, page 8). Applicants respectfully submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness with regard to claim 40.

As stated above, it is well settled patent law that to establish a prima facie case of obviousness based on a combination of elements disclosed in multiple references, a rejection must provide a reasonable explanation of why one of ordinary skill in the art would have been motivated to select the references and combine them to render the claimed invention obvious. Applicants respectfully submit that one of ordinary skill would not have been motivated to combine Innes and D'Amico et al. in the manner suggested by the Examiner.

D'Amico et al. discloses a caller pays feature for use in a cellular communication network (col. 8, line 53 - col. 9, line 10). D'Amico et al. has absolutely nothing to do with server initiated high level protocol communications sessions. Therefore, contrary to the Examiner's allegation, combining the disclosure of adding a header to a call request message where the header includes a server identifier and transmitting the call request message to a client equipment, where the client equipment is configured to complete the call (return call) if the header is detected, as allegedly disclosed by Innes, into the cellular communications system of D'Amico et al. would not cause the D'Amico et al. cellular communications system to establish a server initiated high level protocol communications session between a server and a client on a mobile computing device. Accordingly, Applicants submit that the Examiner's motivation statement falls short of establishing a prima facie case of obviousness.

With regard to Hesselink et al. and Eastman, the Examiner admitted that D'Amico et al. does not disclose or suggest adding a header to a call request message and completing the call if the header is detected (Office Action, page 8). The Examiner alleged that Hesselink et al. and Eastman disclose adding a header to a call request message (Office Action, pages 8-9). The Examiner did not provide any evidence that either Hesselink et al. or Eastman discloses or suggests completing the call based on existence of the server identifier in a security header, as required by claim 40. Therefore, the Examiner did not establish a prima facie case of obviousness with regard to claim 40 based on either Hesselink et al. or Eastman.

For at least these reasons, Applicants submit that claim 40 is patentable over D'Amico et al. and Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination. Claims 41 and 42 depend from claim 40 and are, therefore, patentable over D'Amico et al. and Innes, Hesselink et al., or Eastman for at least the reasons given with regard to claim 40.

Independent claim 66 recites features similar to, but possibly different in scope from, features recited in claim 40. Claim 66 is, therefore, patentable over D'Amico et al. and Innes, Hesselink et al., or Eastman, whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 40. Claims 67 and 68 depend from claim 66 and are, therefore, patentable over D'Amico et al. and Innes, Hesselink et al., or Eastman for at least the reasons given with regard to claim 66.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 38-42 and 66-68 based on D'Amico et al. and Innes, Hesselink et al., or Eastman.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL., JORDAN, AND HLUCHYJ ET AL.*

In paragraph 8 of the Office Action, the Examiner rejected claims 43, 44, 47-60, and 79 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Jordan and Hluchyj et al. Applicants respectfully traverse the rejection.

Independent claim 43 is directed to a system for placing a call between a first client and a second client. The system comprises a SIP server configured to challenge a device that originated the call by requesting the device to authenticate itself, whereby the device performs a first authentication process based on a username and password associated with the device to generate a first authentication result as a result of authenticating itself, process a SIP call request message received from the first client to determine an authentic originating client by performing a second authentication process based on the username and the password associated with the device to generate a second authentication result and comparing the second authentication result with the first authentication result, obtain a client billing tag corresponding to the authentic originating client; and a network gateway coupled to the SIP server, the network gateway being configured to provide at least one of the first client and the second client conditional access to a public switched telephone network.

Neither D'Amico et al., Jordan, nor Hluchyj et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 43. For example, D'Amico et al., Jordan, and Hluchyj et al. do not disclose or suggest a SIP server configured to challenge a device that originated the call by requesting the device to authenticate itself, whereby the device performs a first authentication process based on a username and password associated with the device to generate a first authentication result as a result of authenticating itself, or process a SIP call request message received from the first client to

determine an authentic originating client by performing a second authentication process based on the username and the password associated with the device to generate a second authentication result and comparing the second authentication result with the first authentication result.

The Examiner alleged that Jordan discloses these features and cited paragraphs 0035-0052 of Jordan for support (Office Action, page 10). Applicants respectfully disagree.

At paragraphs 0035-0052, Jordan discloses that an ISN authenticates call initiation equipment by sending it a validation request that includes a random number (paragraph 0038). The call initiation equipment performs a one-way hashing function on the random number to generate an authentication identification number that it returns along with a customer wireline identification number (paragraphs 0042 and 0043). The ISN compares the authentication identification number with its own authentication data (paragraph 0047). Nowhere does Jordan disclose or suggest a SIP server configured to challenge a device that originated the call by requesting the device to authenticate itself, whereby the device performs a first authentication process based on a username and password associated with the device to generate a first authentication result as a result of authenticating itself, or process a SIP call request message received from the first client to determine an authentic originating client by performing a second authentication process based on the username and the password associated with the device to generate a second authentication result and comparing the second authentication result with the first authentication result, as required by claim 43.

D'Amico et al., Jordan, and Hluchyj et al. also do not disclose or suggest a network gateway coupled to the SIP server, the network gateway being configured to provide at least one of the first client and the second client conditional access to a public switched telephone

network, as further recited in claim 43. The Examiner did not address these features and, therefore, did not establish a prima facie case of obviousness with regard to claim 43.

For at least these reasons, claim 43 is patentable over D'Amico et al., Jordan, and Hluchyj et al., whether taken alone or in any reasonable combination. Claims 44, 47-60, and 79 depend from claim 43 and are, therefore, patentable over D'Amico et al., Jordan, and Hluchyj et al. for at least the reasons given with regard to claim 43.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 43, 44, 47-60, and 79 based on D'Amico et al., Jordan, and Hluchyj et al.

*REJECTION UNDER 35 U.S.C. § 103 BASED ON
D'AMICO ET AL., JORDAN, HLUCHYJ ET AL., AND FACCINN ET AL.*

In paragraph 9 of the Office Action, the Examiner rejected claims 45 and 46 under 35 U.S.C. § 103(a) as allegedly unpatentable over D'Amico et al. in view of Jordan, Hluchyj et al., and Faccinn et al. Applicants respectfully traverse the rejection.

Claims 45 and 46 depend from claim 43. Without acquiescing in the Examiner's rejection with regard to claims 45 and 46, Applicants respectfully submit that the disclosure of Faccinn et al. does not cure the deficiencies in the disclosures of D'Amico et al., Jordan, and Hluchyj et al. identified above with regard to claim 43. Therefore, claims 45 and 46 are patentable over D'Amico et al., Jordan, Hluchyj et al., and Faccinn et al., whether taken alone or in any reasonable combination, for at least the reasons given with regard to claim 43.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 45 and 46 based on D'Amico et al., Jordan, Hluchyj et al., and Faccinn et al.

CONCLUSION

In view of the foregoing remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of pending claims 1-64, 66-68, and 75-80.

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 07-2347 and please credit any excess fees to such deposit account.

Respectfully submitted,
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